

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TARGUS INTERNATIONAL LLC,

Plaintiff,

v.

VICTORINOX SWISS ARMY, INC.,

Defendant.

Civil Action No. 20-464-RGA

**DEFENDANT'S REPLY TO
SUBMISSION OF SUBSEQUENT AUTHORITY**

In “response” to Defendant’s Submission of Subsequent Authority (D.I. 59), Plaintiff filed D.I. 61, arguing that the submitted subsequent authority, *Targus Int’l LLC v. Everki USA, Inc.*, No. 8-20-cv-00641, slip op. (C.D. Cal. Nov. 3, 2020), which decided the same issue before this Court regarding the pleading of Targus’s alleged inequitable conduct, was “not relevant” because the C.D. Cal. “improperly assumed that the TSA RFI was prior art without any factual basis in the pleading.” D.I. 61 at 1. This argument is wrong and refuted by the C.D. Cal. decision, which recited facts (slip. op. at 6-7) and concluded that defendant Everki “has done more than enough to plead that the RFI is prior art” (slip. op. at 7).

Respectfully Submitted,

/s/ Francis DiGiovanni

Francis DiGiovanni (#3189)
Thatcher A. Rahmeier (#5222)
FAEGRE DRINKER BIDDLE & REATH LLP
222 Delaware Avenue, Suite 1410
Wilmington, DE 19801
(302) 467-4200
francis.digiovanni@faegredrinker.com
thatcher.rahmeier@faegredrinker.com

Kelly J. Fermoyle
FAEGRE DRINKER BIDDLE & REATH LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
(612) 766-7000
kelly.fermoyle@faegredrinker.com

Dated: November 6, 2020

Attorneys for Defendant